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AO 91 (Rev. 11/11) Criminal Complaint

Officer:

H. Rivera

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UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Byron Jose RUEDA-ZAPATA,

Case No.

Case: 2:25-mj-30060

Assigned To : Unassigned

Assign. Date : 2/11/2025

Description: CMP Usa v. Byron Jose
Rueda-Zapata (da)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 7, 2025 in the county of Washtenaw in the
Eastern District of Michigan, the defendant(s) violated:

Code Section

Offense Description

Title 8, United States Code, Section 1326(a)

Unlawful Re-entry after Removal from the United States

This criminal complaint is based on these facts:

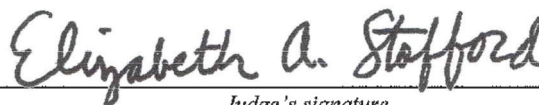
On or about February 7, 2025, in the Eastern District of Michigan, Southern Division, Byron Jose RUEDA-ZAPATA, an alien from Honduras, was found in the United States after having been denied admission, excluded, deported, and removed there from on or about July 14, 2017, and not having obtained the express consent of the Attorney General of the United States or the Secretary of Homeland Security to re-apply for admission thereto; in violation of Title 8, United States Code, Section 1326(a).

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: February 11, 2025City and state: Detroit, MI

Complainant's signature

Hector Rivera, Deportation Officer, ERO

Printed name and title



Judge's signature

Elizabeth A. Stafford, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Hector Rivera, declare the following under penalty of perjury:

1. I am a Deportation Officer employed with Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) of the United States Department of Homeland Security (DHS) at the Detroit Field Office. I have been employed in this capacity since February 2007. I am currently assigned to the Detroit ICE-ERO Fugitive Operations team.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of a criminal complaint and an arrest warrant for Byron Jose RUEDA-ZAPATA, an alien who has previously been removed from the United States on or about July 14, 2017, at or near San Antonio, Texas, and was thereafter found in the United States on or about February 7, 2025, without having obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission, all in violation of Title 8, United States Code, Section 1326(a).
3. The information contained in this affidavit is based upon my personal knowledge and observations, information provided by other law enforcement personnel to include ICE ERO Deportation Officers, and database record checks. I have also reviewed records from the official immigration file and system automated data relating to RUEDA-ZAPATA. I have not included every fact known to law enforcement related to this investigation.
4. RUEDA-ZAPATA is a thirty-one-year-old citizen and a native of Honduras who last entered the United States on an unknown date, at an unknown place, without being inspected and admitted or paroled by an immigration officer.
5. On May 28, 2014, the United States Border Patrol (USBP) arrested RUEDA-ZAPATA at or near Rio Grande Valley, Texas. On May 30, 2014, USBP served RUEDA-ZAPATA with an I-860, Notice and Order of Expedited Removal. On August 28, 2014, USBP removed RUEDA-ZAPATA to Honduras via New Orleans, Louisiana.

6. On January 28, 2015, USBP arrested RUEDA-ZAPATA at or near Falfurrias, Texas and served him with an I-871, Notice of Intent/Decision to reinstate prior order. On February 4, 2015, USBP removed RUEDA-ZAPATA to Honduras via Brownsville, Texas.
7. On July 2, 2017, USBP arrested RUEDA-ZAPATA at or near Rio Grande Valley, Texas and served him with an I-871, Notice of Intent/Decision to reinstate prior order.
8. On July 3, 2017, the United States District Court Southern District of Texas, Macallen Division convicted RUEDA-ZAPATA for unlawfully entering the United States and sentenced him to time served.
9. On July 14, 2017, USBP removed RUEDA-ZAPATA to Honduras via San Antonio, Texas.
10. On February 7, 2025, the ERO Detroit North Team traveled to the area of Congress St., Ypsilanti, MI in search of Byron Jose RUEDA-ZAPATA. At approximately 1:00 p.m., a male subject matching the physical description of RUEDA-ZAPATA departed the residence in a blue colored Volkswagen Taos bearing OK plate NDE413. ICE Officers initiated a vehicle stop at or near E. Michigan Ave and N. River St in Ypsilanti, MI, approached, identified themselves and conducted a field interview to identify the occupant of the vehicle based on the reasonable suspicion that this individual matched the description of RUEDA-ZAPATA seen exiting RUEDA-ZAPATA's last known residence at or near Ypsilanti, MI. ICE Officers contacted the driver of the vehicle and requested identification from the occupant.
11. RUEDA-ZAPATA identified himself, presented a New Mexico Identification card in his name, and stated that he was a citizen and national of Honduras. Deportation Officers placed RUEDA-ZAPATA under arrest based on probable cause that he was an alien who had unlawfully reentered the United States after having been previously removed.
12. ICE-ERO Deportation Officers transported RUEDA-ZAPATA to the Detroit Field Office for processing. The arrest and subsequent detention of RUEDA-ZAPATA was an administrative, non-criminal action made pursuant to the authority found in sections 1357, 1225, 1226, and/or 1231 of Title 8, United States Code to arrest and detain any alien entering or attempting to enter the United States, or any alien present in the United States, who is reasonably

believed to be in violation of any law or regulation regulating the admission, exclusion, expulsion, or removal of aliens.

13. RUEDA-ZAPATA's fingerprints and photograph were captured and searched in the ICE/FBI systems. The fingerprints returned with a positive match for Byron Jose RUEDA-ZAPATA, a native and citizen of Honduras who had previously been removed from the United States.

14. A review of RUEDA-ZAPATA's immigration file, record checks, and queries in the U.S. Department of Homeland Security databases confirmed that RUEDA-ZAPATA did not obtain the permission or express consent from the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States following his removal on July 14, 2017.

15. On February 7, 2025, ICE-ERO served RUEDA-ZAPATA with Form I-871, Notice of Intent/Decision to Reinstate Prior Order.

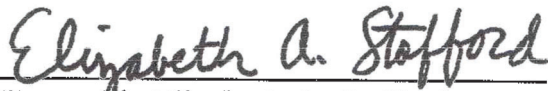
16. Based on the above information, I believe there is probable cause to conclude that Byron Jose RUEDA-ZAPATA is an alien who has previously been removed from the United States on or about July 14, 2017, at or near San Antonio, Texas and was thereafter found in the United States on or about February 7, 2025 in the Eastern District of Michigan, without first having

17. obtained the express consent or permission of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, all in violation of Title 8, United States Code, Section 1326(a).



Hector Rivera, Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me and signed in my presence and/or by reliable electronic means.



Honorable Elizabeth A. Stafford
United States Magistrate Judge